

AMENDED IN ASSEMBLY AUGUST 18, 2015

AMENDED IN SENATE JUNE 2, 2015

AMENDED IN SENATE APRIL 7, 2015

SENATE BILL

No. 252

Introduced by Senator Leno

(Coauthors: Senators Allen, Beall, Hancock, and Wieckowski)

(Coauthors: Assembly Members Baker, Bloom, Chiu, Cooley, Dababneh, Cristina Garcia, Gordon, Lackey, Maienschein, McCarty, Olsen, Santiago, and Ting)

February 18, 2015

An act to amend Sections 48412 and 51421 ~~of of, and to add Section 51421.5 to~~, the Education Code, relating to ~~pupils~~: *pupils, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 252, as amended, Leno. Pupils: diploma alternatives: fees.

(1) Existing law authorizes certain persons, including, among others, any person 16 years of age or older, to have his or her proficiency in basic skills taught in public high schools verified according to criteria established by the State Department of Education. Existing law requires the State Board of Education to award a certificate of proficiency to persons who demonstrate that proficiency. Existing law requires the department to develop standards of competency in basic skills taught in public high schools and to provide for the administration of examinations prepared by, or with the approval of, the department to verify competency. Existing law authorizes the department to charge a fee for each examination application in an amount sufficient to recover the costs of administering the requirements of these provisions, but

prohibits the fee from exceeding an amount equal to the cost of test renewal and administration per examination application.

This bill would prohibit the department from charging the fee to a homeless child or youth who is under 25 years of age and can verify his or her status as a homeless youth. The bill would authorize a homeless services provider, as defined, that has knowledge of the examinee's housing status to verify the examinee's status for purposes of these provisions. The bill would provide that no additional state funds would be appropriated for purposes of implementing the above provisions. *The bill would authorize the state board to adopt emergency regulations for purposes of these provisions.*

(2) Existing law separately requires the Superintendent of Public Instruction to issue a high school equivalency certificate and an official score report, or an official score report only, to a person who has not completed high school and who meets specified requirements, including, among others, having taken all or a portion of a general education development test that has been approved by the state board and administered by a testing center approved by the department, with a score determined by the state board to be equal to the standard of performance expected from high school graduates. Existing law authorizes the Superintendent to charge an examinee a one-time fee to pay costs related to administering these provisions and issuing a certificate, as specified. Existing law limits the amount of the fee to \$20 per person and requires each scoring contractor to forward that fee to the Superintendent.

This bill would, for purposes of those provisions, prohibit a ~~scoring~~ contractor or testing center that charges its own separate fee from charging that separate fee to ~~an examinee~~ *a homeless child or youth* who is under 25 years of age and can verify his or her status as a homeless child or youth. The bill would authorize a homeless services provider, as defined, that has knowledge of the examinee's housing status to verify the examinee's status for purposes of these provisions. The bill would provide that no additional state funds shall be appropriated for purposes of implementing ~~the above provisions~~. *these provisions, and would authorize the Superintendent to adopt emergency regulations for purposes of these provisions.*

(3) *Existing law establishes in the State Treasury a Special Deposit Fund Account, which consists of certain fees, and is continuously appropriated for the support of the department to be used for purposes of the provisions above relating to high school equivalency tests.*

This bill would authorize the Superintendent to use surplus funds, as defined, in the Special Deposit Fund Account to reimburse contractors for the loss of fees, if any, pursuant to provisions above relating to high school equivalency tests. By authorizing the expenditure of money in a continuously appropriated fund for a new purpose, this bill would make an appropriation. The bill would require a contract executed by the department for the provision of those tests to require a contracting party to accept all examinees, including those entitled to a fee waiver pursuant to those provisions. The bill also would require the department to include a provision in all memorandums of understanding with contractors for purposes of providing a high school equivalency test, that if the surplus funds in the Special Deposit Fund Account are depleted, the ongoing costs of a fee waiver for an examinee deemed eligible for a waiver shall be absorbed by the contractor.

(4) This bill also would require the department, on or before December 1, 2018, to submit two reports to the appropriate policy and fiscal committees of the Legislature, one relating to high school proficiency tests, and one relating to high school equivalency tests, that each include, among other things, the number of homeless youth that took a high school proficiency or equivalency test in each of the 2016, 2017, and 2018 calendar years, and the impact of the opportunity to take a high school proficiency or equivalency test at no cost on the number and percentage of homeless youth taking a high school proficiency or equivalency test.

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 48412 of the Education Code is amended
2 to read:
3 48412. (a) (1) A person 16 years of age or older, or who has
4 been enrolled in the 10th grade for one academic year or longer,
5 or who will complete one academic year of enrollment in the 10th
6 grade at the end of the semester during which the next regular
7 examination will be conducted, may have his or her proficiency
8 in basic skills taught in public high schools verified according to
9 criteria established by the State Department of Education.
10 (2) The state board shall award a “certificate of proficiency” to
11 persons who demonstrate that proficiency. The certificate of

1 proficiency shall be equivalent to a high school diploma, and the
2 department shall keep a permanent record of the issuance of all
3 certificates.

4 (b) (1) The department shall develop standards of competency
5 in basic skills taught in public high schools and shall provide for
6 the administration of examinations prepared by or with the approval
7 of the department to verify competency. Regular examinations
8 shall be held once in the fall semester and once in the spring
9 semester of every academic year on a date, as determined by the
10 department, that will enable notification of examinees and the
11 schools they attend, if any, of the results thereof not later than two
12 weeks prior to the date on which that semester ends in a majority
13 of school districts that maintain high schools.

14 (2) In addition to regular examinations, the department may, at
15 the discretion of the Superintendent, conduct examinations for all
16 eligible persons once during each summer recess and may conduct
17 examinations at any other time that the Superintendent deems
18 necessary to accommodate eligible persons whose religious
19 convictions or physical handicaps prevent their attending one of
20 the regular examinations.

21 (c) (1) The department may charge a fee for each examination
22 application in an amount sufficient to recover the costs of
23 administering the requirements of this section. However, the fee
24 shall not exceed an amount equal to the cost of test renewal and
25 administration per examination application. All fees levied and
26 collected pursuant to this section shall be deposited in the State
27 Treasury for remittance to the current support appropriation of the
28 department as reimbursement for costs of administering this
29 section. Any reimbursements collected in excess of actual costs
30 of administration of this section shall be transferred to the
31 unappropriated surplus of the General Fund by order of the Director
32 of Finance.

33 (2) The department shall not charge the fee to an examinee who
34 meets all of the following criteria:

35 (A) The examinee qualifies as a homeless child or youth, as
36 defined in paragraph (2) of Section 725 of the federal
37 McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec.
38 11434a(2)).

39 (B) The examinee has not attained 25 years of age as of the date
40 of the scheduled examination.

1 (C) The examinee can verify his or her status as a homeless
2 child or youth. A homeless services provider that has knowledge
3 of the examinee's housing status may verify the examinee's status
4 for purposes of this subparagraph.

5 (3) For purposes of this subdivision, a "homeless services
6 provider" includes either of the following:

7 (A) A homeless services provider listed in paragraph (3) of
8 subdivision (d) of Section 103577 of the Health and Safety Code.

9 (B) Any other person or entity that is qualified to verify an
10 individual's housing status, as determined by the department.

11 (4) *The loss of fees pursuant to paragraph (2), if any, shall be*
12 *deemed to be a cost of administering this section for purposes of*
13 *paragraph (1).*

14 (d) (1) The state board shall adopt rules and regulations as are
15 necessary for implementation of this section.

16 (2) *Notwithstanding paragraph (1), the state board shall adopt*
17 *emergency regulations, as necessary, to implement the provisions*
18 *of subdivision (c), as amended by the act that added this*
19 *paragraph. The adoption of these regulations shall be deemed to*
20 *be an emergency and necessary for the immediate preservation of*
21 *the public peace, health, and safety, or general welfare.*

22 (e) The department shall periodically review the effectiveness
23 of the examinations administered pursuant to this section. The
24 costs of this review may be recovered through the fees levied
25 pursuant to subdivision (c).

26 (f) (1) *On or before December 1, 2018, the Superintendent shall*
27 *submit a report to the appropriate policy and fiscal committees of*
28 *the Legislature that includes, but is not limited to, all of the*
29 *following:*

30 (A) *The number of homeless youth that took a high school*
31 *proficiency test in each of the 2016, 2017, and 2018 calendar*
32 *years.*

33 (B) *The impact of the opportunity to take a high school*
34 *proficiency test at no cost on the number and percentage of*
35 *homeless youth taking a high school proficiency test.*

36 (C) *The estimated number of homeless youth who may take a*
37 *high school proficiency test in future years.*

38 (D) *Recommendations for a permanent funding source to cover*
39 *the cost of the waived fees.*

1 (E) *The annual and projected administrative cost to the*
2 *department.*

3 (F) *The annual and projected reimbursement to contractors*
4 *pursuant to this section.*

5 (2) *The requirement for submitting a report imposed under*
6 *paragraph (1) is inoperative on January 1, 2020, pursuant to*
7 *Section 10231.5 of the Government Code.*

8 (f)

9 (g) Additional state funds shall not be appropriated for purposes
10 of implementing paragraph (2) of subdivision (c).

11 SEC. 2. Section 51421 of the Education Code is amended to
12 read:

13 51421. (a) The Superintendent may charge a one-time only
14 fee, established by the ~~State Board of Education~~, *state board*, to
15 be submitted by an examinee when registering for the test sufficient
16 in an amount not greater than the amount required to pay the cost
17 of administering this article, including costs related to subdivision
18 (b), and for the cost of providing services related to the completion
19 of the general educational development test. The amount of each
20 fee may not exceed twenty dollars (\$20) per person.

21 (b) The examinee shall be responsible for submitting to the
22 Superintendent both of the following requests:

23 (1) A request for a duplicate copy of the high school equivalency
24 certificate.

25 (2) A request to forward a report of the results of a general
26 educational development test to a postsecondary educational
27 institution.

28 (e) ~~(1) If, for purposes of this article, a scoring contractor or~~
29 ~~testing center charges an examinee its own separate fee, the scoring~~
30 ~~contractor or testing center shall not charge that fee to an examinee~~
31 ~~who meets all of the following criteria:~~

32 ~~(A) The examinee qualifies as a homeless child or youth, as~~
33 ~~defined in paragraph (2) of Section 725 of the federal~~
34 ~~McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec.~~
35 ~~11434a(2)).~~

36 ~~(B) The examinee has not attained 25 years of age as of the date~~
37 ~~of the scheduled examination.~~

38 ~~(C) The examinee can verify his or her status as a homeless~~
39 ~~child or youth. A homeless services provider that has knowledge~~

1 of the examinee's housing status may verify the examinee's status
2 for purposes of this subparagraph.

3 ~~(2) For purposes of this subdivision, a "homeless services~~
4 ~~provider" includes either of the following:~~

5 ~~(A) A homeless services provider listed in paragraph (3) of~~
6 ~~subdivision (d) of Section 103577 of the Health and Safety Code.~~

7 ~~(B) Any other person or entity that is qualified to verify an~~
8 ~~individual's housing status, as determined by the department.~~

9 ~~(d) Additional state funds shall not be appropriated for purposes~~
10 ~~of implementing subdivision (c).~~

11 *SEC. 3. Section 51421.5 is added to the Education Code, to*
12 *read:*

13 *51421.5. (a) If, for purposes of this article, a contractor or*
14 *testing center charges an examinee its own separate fee, the*
15 *contractor or testing center shall not charge that fee to an*
16 *examinee who meets all of the following criteria:*

17 *(1) The examinee qualifies as a homeless child or youth, as*
18 *defined in paragraph (2) of Section 725 of the federal*
19 *McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec.*
20 *11434a(2)).*

21 *(2) The examinee has not attained 25 years of age as of the date*
22 *of the scheduled examination.*

23 *(3) The examinee can verify his or her status as a homeless*
24 *child or youth. A homeless services provider that has knowledge*
25 *of the examinee's housing status may verify the examinee's status*
26 *for purposes of this paragraph.*

27 *(b) For purposes of this section, a "homeless services provider"*
28 *includes either of the following:*

29 *(1) A homeless services provider listed in paragraph (3) of*
30 *subdivision (d) of Section 103577 of the Health and Safety Code.*

31 *(2) Any other person or entity that is qualified to verify an*
32 *individual's housing status, as determined by the department.*

33 *(c) Additional state funds shall not be appropriated for purposes*
34 *of implementing this section.*

35 *(d) Notwithstanding subdivision (c), the Superintendent may*
36 *use surplus funds in the Special Deposit Fund Account, established*
37 *pursuant to Section 51427, to reimburse contractors for the loss*
38 *of fees, if any, pursuant to this section. A contract executed by the*
39 *department for the provision of examinations pursuant to Section*
40 *51421 or this section shall require that any contracting party*

1 *accept all examinees, including those entitled to a fee waiver*
2 *pursuant to this section. For purposes of this subdivision, “surplus*
3 *funds” are funds remaining after the costs permitted by subdivision*
4 *(a) of Section 51421 are paid.*

5 *(e) (1) On or before December 1, 2018, the Superintendent*
6 *shall submit a report to the appropriate policy and fiscal*
7 *committees of the Legislature that includes, but is not limited to,*
8 *all of the following:*

9 *(A) The number of homeless youth that took a high school*
10 *equivalency test in each of the 2016, 2017, and 2018 calendar*
11 *years.*

12 *(B) The impact of the opportunity to take a high school*
13 *equivalency test at no cost on the number and percentage of*
14 *homeless youth taking a high school equivalency test.*

15 *(C) The estimated number of homeless youth who may take a*
16 *high school equivalency test in future years.*

17 *(D) Recommendations for a permanent funding source to cover*
18 *the cost of the waived fees.*

19 *(E) The annual and projected administrative cost to the*
20 *department.*

21 *(F) The annual and projected reimbursement to the contractor*
22 *pursuant to this section.*

23 *(2) The requirement for submitting a report imposed under*
24 *paragraph (1) is inoperative on January 1, 2020, pursuant to*
25 *Section 10231.5 of the Government Code.*

26 *(f) The Superintendent shall adopt emergency regulations, as*
27 *necessary, to implement this section. The adoption of these*
28 *regulations shall be deemed to be an emergency and necessary*
29 *for the immediate preservation of the public peace, health, and*
30 *safety, or general welfare.*

31 *(g) The department shall include a provision in all*
32 *memorandums of understanding with contractors for purposes of*
33 *providing a high school equivalency test, that if the surplus funds*
34 *in the Special Deposit Fund Account are depleted, the ongoing*
35 *costs of a fee waiver for an examinee deemed eligible for a waiver*
36 *pursuant to this section shall be absorbed by the contractor.*